

From: [Mason, Steve](#)
To: monty.elder@deq.ok.gov
Cc: [Jennings, Kim](#)
Subject: RE: Tier 2 request from Reuters
Date: Wednesday, April 24, 2013 9:29:00 AM

I am probably taking too simple a view of this... but....

The original statute states: "The State emergency response commission shall establish procedures for receiving and processing requests from the public for information under section 11044 of this title, including tier II information under section 11022 of this title."

If Congress had intended the State to simply give out all the information to anyone that asks, I do not think the State would need to establish procedures for giving out the information... I have always argued that the State should follow their own State FOIA rules, as long as it does not violate the spirit of EPCRA, to provide citizens with information on facilities in their own area...

Just like putting the RMP data on the EPA webpage, I can't imagine there are elements within DHS and other security agencies that would want to see the entire list of ammonium nitrate facilities published in a newspaper, with locations...

From: Elder, Monty [<mailto:Monty.Elder@deq.ok.gov>]
Sent: Wednesday, April 24, 2013 9:06 AM
To: Mason, Steve
Subject: FW: Tier 2 request from Reuters

From Dana

From: Tulis, Dana [<mailto:Tulis.Dana@epa.gov>]
Sent: Tuesday, April 23, 2013 5:42 PM
To: Jennings, Kim; Elder, Monty; Belke, Jim; Jacob, Sicy; Franklin, Kathy; Bosecker, Elizabeth; Vanroden, Victoria
Cc: Matthiessen, Craig
Subject: Re: Tier 2 request from Reuters

Monty, thanks for the update and for noting the homeland security concerns, which we share.

From: Jennings, Kim
Sent: Tuesday, April 23, 2013 6:12:32 PM
To: monty.elder@deq.ok.gov; Belke, Jim; Jacob, Sicy; Franklin, Kathy; Bosecker, Elizabeth; Vanroden, Victoria

Cc: Tulis, Dana; Matthiessen, Craig

Subject: Re: Tier 2 request from Reuters

Interesting. I will let others know here. It seems to me Mark and you could say that what he should publish is information about EPCRA and the powerful tool it is for the community and folks who live in the community and that concerned citizens should contact their LEPC to learn more about what chemicals are in their community (after all there could be things much worst than AN) and what the LEPC has in place to deal with those risks. That is what EPCRA is all about after all!

Thanks for sharing.

Kim

From: Elder, Monty

Sent: Tuesday, April 23, 2013 6:03:04 PM

To: Jennings, Kim; Belke, Jim

Subject: Tier 2 request from Reuters

Just wanted to let you all know that I received a request for 'all tier2 data for Oklahoma from 2008 until the present' from a Reuters reporter. I cited the 40 CFR that says if a citizen asks for information on a specific facility, it should be provided. I explained that we did not do a data dump of all information, but if he had a specific request we would be happy to honor that. In addition, he wanted all that information in Excel or Access – since we use Tier2 submit to collect the data, it is in relational databases that cannot be put into Excel or Access without writing a special program to do that. Oklahoma open records law says you don't have to make a special database for requests. The reporter replied to DEQ that we were 'pedantic and simplistic' in reading the CFR. Mark Howard in AZ also got a phone call about the same thing this afternoon. The reporter told Mark that AZ was the only state not providing the information – quite clearly not the truth. What he told Mark that he really wants is the name and address of every ammonium nitrate facility to publish for 'public safety.' Mark asked how providing a potential target to folks who might want to do us harm was public safety. Reporter said well some folks may not know they live close to such a facility. He did say states were just 'sure, we will get right on that' when he asked for a data dump. He specifically mentioned Fla and Ala as using E-Plan so the data was public. That is not my understanding of E-Plan – I think only registered users can get to data and only their jurisdiction. Oh well – we remain pedantic and simplistic in Oklahoma. Just thought you might be interested in this reporters quest for Tier2 information. Monty